



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

N/E
#27/Response
11/26/01
C. McKinney

In re application of :
Günter BAUR ET AL. : Group Art Unit: 2871
Serial No.: 08/627,386 : Examiner: PARKER, K
Filed: April 4, 1996 :
For: ELECTROOPTICAL LIQUID CRYSTAL SWITCHING ELEMENT

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RESPONSE

Commissioner of Patents
Washington, D.C. 20231

Sir:

The following is responsive to the office action of May 22, 2001.

REMARKS

It is true that the Terminal Disclaimer literally disclaims the term of a patent granted on this application which might extend beyond that of prior Patent 5,576,867. However, as can be seen by the accompanying copies of the front pages of U.S. Patents 5,576,867, 5,841,498, and 5,841,499, the terms of the latter two patents themselves have already been disclaimed with respect to the term of the '867 patent. Consequently, the term of all three already existing patents will be the same as that of '867 and the term of any patent issuing from this application will also be the same as that of '867. All requirements of a satisfactory terminal disclaimer are met.

It is again respectfully submitted that claims 86 and 87 are not "omnibus" type claims. As the Examiner notes, an omnibus-type claim is one which reads: "A device substantially as shown and described." Such a claim is indefinite since it is not clear to one of skill in the art what is being claimed by such a completely vague reference to a specification which might describe all sorts of devices, some of which may be patentable and some of which may not be. However, this is not at all analogous to the current situation.

Claims 86 and 87 make clear what must be done by one of ordinary skill in the art to determine what is included within the scope of the claims and what is not. In each case, it is